

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RONALD MCCLARY,)
)
 Plaintiff,)
)
 v.) 1:19-CV-1
)
 FNU HAFEZE, et al.,)
)
 Defendant.)

ORDER

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on February 5, 2019, was served on the plaintiff. Docs. 5, 6. The plaintiff has filed various paper writings outside the time for objection, and none are captioned as or appear to be objections to the recommendation. After consideration of the record, the Court hereby adopts the Magistrate Judge's Recommendation.

It further appears that the plaintiff has sent numerous paper writings to the Court which are more in the form of letters than of pleadings, motions, or briefs. *See* Docs. 13, 15, 16, 18, 20. The plaintiff is advised that letters to the court are not an appropriate way to seek court action; that all communications should be in the form of a motion, brief, or other pleading authorized by the Federal Rules of Civil Procedure or the Local Rules; and all communications should have the case caption at the top of the document. No action will be taken on paper writings which are in the form of letters addressed to a particular

judge. The plaintiff is also advised that the Local Rules require handwritten pleadings to be double-spaced so that they are more easily read.

The Clerk has docketed one of these paper writings as a motion to compel. *See* Doc. 19. To the extent that paper writing should be so considered, it is denied. The remaining defendants have not answered the complaint yet and discovery is premature.

It is **ORDERED** that:

1. As to the defendants Martinez, Maples, and Barber, the action is **DISMISSED** pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief can be granted. Pursuant to the Magistrate Judge's order, the plaintiff has made sufficient allegations to state claims at this stage of the proceedings against the defendants Hafeze and Vanardo, and as to them the action will proceed.
2. The plaintiff shall cease sending letters to the Court and shall submit all pleadings, motions, and briefs, in the appropriate format and in compliance with the Federal Rules of Civil Procedure and the Local Rules.
3. The motion to compel, Doc. 19, is **DENIED** without prejudice.

This the 16th day of April, 2019.



UNITED STATES DISTRICT JUDGE